

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIE C. SIMPSON,

Petitioner,

v.

DALIA SULIENE and LORI ALSUM,

Respondents.

ORDER

08-cv-054-bbc

In an order entered in this case on March 14, 2008, I told petitioner that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement covering the six-month period preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Petitioner has submitted the requested statement. From the statement, I have calculated petitioner's initial partial payment to be \$.36. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$.36 initial partial payment. Before prison

officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes.

Prior to submitting his trust fund account statement to the court on March 27, 2008, petitioner also filed the following documents: 1) a motion for a 20-day extension of time to submit his trust fund account statement; 2) a second motion for preliminary injunction; 3) a brief in support of the motion for preliminary injunction; and 4) an affidavit of Willie C. Simpson. Petitioner's motion for a 20-day extension of time to submit his trust fund account statement will be denied as moot. Under 28 U.S.C. §1915, I may not consider petitioner's motion for a preliminary injunction until petitioner has paid the \$.36 initial partial payment assessed in this order.

ORDER

IT IS ORDERED that

1. Petitioner Willie Simpson is assessed \$.36 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$.36 on or before April 24, 2008. If, by April 24, 2008, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the

clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

2. Petitioner's motion for a 20-day extension of time to submit his trust fund account statement is DENIED as moot.

Entered this 3rd day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge